



Senate Committee On
**MILITARY AND VETERANS'
AFFAIRS, BASE PROTECTION,
AND SPACEPORTS**

Mike Fasano, Chair
Charlie Clary, Vice Chair

Meeting Packet
Friday, April 16, 2004
9:30 a.m. – 11:30 a.m.
37 Senate Office Building

*(Please bring this packet to the committee meeting.
Duplicate materials will not be available.)*

E X P A N D E D A G E N D A

COMMITTEE ON MILITARY AND VETERANS' AFFAIRS, BASE PROTECTION, AND SPACEPORT

Senator Fasano, CHAIR
Senator Clary, VICE-CHAIR

DATE: Friday, April 16, 2004

TIME: 9:30 a.m. -- 11:30 a.m.

PLACE: Room 37 (LL), Senate Office Building

(MEMBERS: Senators Crist, Haridopolos, Lynn, Miller, Siplin and Wilson)

TAB	BILL NO. AND INTRODUCER	BILL DESCRIPTION AND SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SM 2522 Jones (Identical H 1291)	Mobile User Objective System; urges United States Dept. of Defense to award contract for creation, development, & implementation of Mobile User Objective System, known as MUOS, to project team from State of Florida led by Raytheon Corporation in partnership with Honeywell Space Systems. MS CM RC	
2	SB 2580 Diaz de la Portilla (Similar H 1111)	Fla. National Guard License Plate; creates Florida National Guard license plate; provides for distribution of annual use fees received from sale of such plates. Amends 320.08056, .08058. TR 03/30/04 FAVORABLE WITH AMEND MS FT ATD AP	2
3	SB 2446 Dockery (Similar H 1383)	Ellwood Robinson Pipping, Jr. Act; creates "Ellwood Robinson 'Bob' Pipping, Jr., Memorial Act"; provides purpose; authorizes DOT to enter into contract with group or organization for installation & maintenance of plaques, markers, monuments, memorials, or various retired military equipment at rest stops; provides for committee to approve proposals for contracts; requires approval by said committee for such contracts; provides conditions for approval, etc. TR 03/30/04 FAVORABLE WITH AMEND MS	1

E X P A N D E D A G E N D A

COMMITTEE ON MILITARY AND VETERANS' AFFAIRS, BASE PROTECTION, AND SPACEPORT

DATE: Friday, April 16, 2004

TIME: 9:30 a.m. -- 11:30 a.m.

TAB	BILL NO. AND INTRODUCER	BILL DESCRIPTION AND SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	CS/SB 1228 & SB 2080 Education / Wilson et al (Similar H 0119, S 2068, S 2080, Compare 1ST ENG/H 1725)	Tuition/Resident Status; (THIS BILL COMBINES S1228,2080) classifies as residents for tuition purposes certain active duty members of foreign nation's military, dependent children of certain active duty members of U.S. Armed Services, & certain employees of international multilateral organizations; provides exemption from payment of nonresident tuition at community colleges & state universities for certain students meeting eligibility criteria, etc. Amends Ch. 1009.	
		ED 03/31/04 CS MS MS AED AP RC	

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SM 2522

SPONSOR: Senator Jones

SUBJECT: Mobile User Objective System

DATE: April 6, 2004

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Krasovsky (K)	Krasovsky (K)	MS	
2.			CM	
3.			RC	
4.				
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I. Summary:

This memorial urges the United States Department of Defense to award the contract for the creation, development, and implementation of the Mobile User Objective System (MUOS) to the project team lead by the Raytheon Corporation in partnership with Honeywell Space Systems.

II. Present Situation:

To mobile military fighters, field communications systems that can operate wherever their missions takes them is the ultimate lifeline. The Mobile User Objective System (MUOS) is a multi-satellite system that is being designed to improve ground communications between U.S. forces on the move. The system will ultimately be controlled by the Department of Defense and will provide global connectivity for voice, video, and data. The key components of MUOS are its ultra high frequency (UHF) communications pay load and its wireless network. Selection of the final design for the MUOS system is scheduled for 2004, with initial operational capability expected in early 2008 and full capability by 2013. The 20-year lifetime value of the contract is estimated at \$6 billion. The U.S. Navy Space and Naval Warfare System manages the contract program.

The MUOS will replace the current Navy Fleet Satellite Communications satellites and Ultra High Frequency Follow-On (UFO) communications satellite constellation over the next two decades. These systems currently provide the tactical satellite communications to the U.S. military soldier. The UHF Follow-On constellation, initially launched in 1993, will begin to reach the end of its design life early in the 21st century.

There are currently two project teams bidding for the MUOS project. One team includes the Raytheon Company as prime contractor and Honeywell Space Systems, both of which have

significant operations in Florida at St. Petersburg and Clearwater, respectively. Space Systems/Loral and TRW Astro Aerospace are also members of the Raytheon project team. The other project team includes Lockheed Martin as prime contractor, General Dynamics, the Boeing Company, and the Harris Corporation. Lockheed Martin and Boeing are 50-50 partners in United Space Alliance, a limited liability company that manages and conducts space operations, including the Space Shuttle Program.

III. Effect of Proposed Changes:

This memorial urges the United States Department of Defense to award the contract for the creation, development, and implementation of the Mobile User Objective System (MUOS) to the project team lead by the Raytheon Corporation in partnership with Honeywell Space Systems.

A copy of the memorial is to be dispatched to the President of the United States, the President of the U.S. Senate, the Speaker of the U.S. House of Representatives, the Secretary of Defense, and each member of Florida's Congressional Delegation.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The memorial details a very significant economic impact from the awarding of the contract to the project team lead by the Raytheon Corporation. That impact estimates 1,000 high-technology jobs along the I-4 corridor with an average salary of \$65,000 per year plus project work spread from Clearwater across the state to the Kennedy Space Center which would generate labor income averaging \$65 million a year by 2005. These figures plus the assumptions on which they are based have not been verified by committee staff.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

Bill No. SM 2522

Amendment No. _____



940394

CHAMBER ACTION

SenateHouse.
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.**MILITARY AND VETERANS' AFFAIRS,
BASE PROTECTION, AND SPACEPORTS****DATE: 4/14/04****TIME: 3:40 PM**

Senator Haridopolos moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

That the Senate of the State of Florida requests special favor and urges the United States Department of Defense to award the contract for the creation, development, and implementation of the Mobile User Objective System, known as MUOS, to the project team led by the Raytheon Corporation in partnership with Honeywell Space Systems because such award can propel the state of Florida into real competition for future major projects and "tier one" status.

BE IT FURTHER RESOLVED that the Senate of the State of Florida recognizes that other qualified contractors are also bidding for this project and should the Department of Defense award the MUOS contract to another project team the Senate of the State of Florida would be supportive of that decision.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the

Bill No. SM 2522Amendment No. 

940394

1 President of the United States Senate, to the Speaker of the
2 United States House of Representatives, to the United States
3 Secretary of Defense, and to each member of the Florida
4 delegation to the United States Congress
5
6

7 ===== T I T L E A M E N D M E N T =====

8 And the title is amended as follows:

9 Delete everything before the enacting clause

10
11 and insert:

12 A memorial to the Congress of the United
13 States, urging the United States Department of
14 Defense to award the contract for the creation,
15 development, and implementation of the Mobile
16 User Objective System, known as MUOS, to the
17 project team led by the Raytheon Corporation in
18 partnership with Honeywell Space Systems while
19 also supporting the Department's decision
20 should the contract be awarded to another
21 project team.
22

23 WHEREAS, one of the most important components of an
24 effective and efficient military, whether in periods of war or
25 peace, is its communications system, and

26 WHEREAS, because the military superiority of the United
27 States is based in large part on the use of technologically
28 advanced weaponry and weapons systems, it is of the utmost
29 importance that the United States military utilize an equally
30 advanced communications system, and

31 WHEREAS, the communications system currently being used

Bill No. SM 2522

Amendment No. _____



940394

1 by the servicemen and servicewomen of the United States Armed
2 Forces provides limited connectivity and will fall below
3 useful performance standards by 2009, and

4 WHEREAS, the Mobile User Objective System, known as
5 MUOS, is a massive and dynamic communications network being
6 developed for the safety and security of the United States
7 military, and

8 WHEREAS, MUOS, the United States Navy's next-generation
9 satellite communication system, solves the limitation problems
10 of the current system by providing a replacement which will
11 enable worldwide ground communications among all branches of
12 the United States military by 2009, and

13 WHEREAS, with the MUOS system, American military
14 personnel will have reliable radio communications capabilities
15 from the air, ground, or sea, whether they are fighting in
16 dense jungle terrain or in urban war zones, and

17 WHEREAS, more importantly, because of its effectiveness
18 and efficiency, the MUOS communications system will save the
19 lives of men and women serving in the United States Armed
20 Forces, and

21 WHEREAS, the United States Navy is scheduled to award
22 the \$6.2 billion contract for the MUOS system in the first
23 quarter of 2004, and

24 WHEREAS, Raytheon Corporation's St. Petersburg Division
25 in partnership with Honeywell Space Systems in Clearwater are
26 currently competing for the contract, and

27 WHEREAS, under Raytheon's proposal, Raytheon would
28 serve as the prime contractor, responsible for overall system
29 design, integration, and communications software, and
30 Honeywell would develop the satellite's computer, which would
31 provide control of the payload that transmits signals among

Bill No. SM 2522Amendment No. 

940394

1 aircraft, ships, military ground stations, military vehicles,
2 and military personnel, and

3 WHEREAS, the Raytheon/Honeywell team has the expertise
4 and commitment to develop the technology, talent, and
5 resources needed to secure this project, and

6 WHEREAS, the MUOS contract would create an estimated
7 1,000 high-technology jobs along the Interstate-4 corridor,
8 paying an average salary of \$65,000 per year, with staffing
9 beginning in mid-2004 and building to full strength in 2005,
10 and

11 WHEREAS, the high-wage project work would be spread
12 throughout Clearwater, Tampa, Orlando, and the Kennedy Space
13 Center, with labor income generated by the MUOS project
14 averaging \$65 million per year by the end of 2005, and

15 WHEREAS, the MUOS contract is scheduled to be completed
16 in 2013 after the full constellation of satellites and ground
17 systems are in operation, and

18 WHEREAS, in keeping with Florida's long and proud
19 history in space integration and launch operations, securing
20 the MUOS contract would open the door for an influx of
21 aerospace technology work in the state, thus elevating the
22 stature of Florida's technology base, and

23 WHEREAS, MUOS would be a catalyst to increase
24 engineering and high-tech job opportunities in Florida,
25 attracting companies serving both the space and defense
26 industry, and

27 WHEREAS, the initiation of the MUOS project would
28 stimulate business, engineering, and computer-related talents
29 within Florida's universities and would generate the required
30 specialized competencies among our graduates who are seeking
31 high-technology careers, and

Bill No. SM 2522Amendment No. 

940394

1 WHEREAS, MUOS would establish Florida as a premier
2 academic, scientific, and technology leader in the nation, and

3 WHEREAS, state university officials are eager to
4 partner in this venture which would capitalize on the
5 considerable intellectual resources within our state
6 university system, and

7 WHEREAS, by mobilizing the resources within its
8 institutions of higher education through internships, Florida
9 would cultivate a workforce that is focused on high-technology
10 and produce a steady stream of professionals who are prepared
11 to bring innovative advancements to the space research and
12 development industry, and

13 WHEREAS, the State of Florida is committed to assisting
14 in MUOS technology development, is committed to recruiting
15 engineers to support the MUOS project and retaining trained
16 engineers and scientists within the state, and recognizes the
17 need to support and enhance high-technology research in
18 Florida's universities, NOW, THEREFORE,

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)


BILL: SB 2580

SPONSOR: Senator Diaz de la Portilla

SUBJECT: License Plates

DATE: March 22, 2004

03/30/04: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Meyer	TR	Fav/2 amendments
2.	Vickers <i>DW</i>	Krasovsky 	MS	
3.			FT	
4.			ATD	
5.			AP	
6.				

I. Summary:

The bill directs the Department of Highway Safety and Motor Vehicles (DHSMV) to issue a Florida National Guard specialty license plate. In addition to applicable motor vehicle registration taxes and fees, a \$25 annual use fee will be charged for this new specialty license plate. The annual use fees will be distributed to the For Giving Foundation, Inc., to fund the Florida National Guard Foundation and faith-based tax-exempt organizations located in the state.

According to the DHSMV, the For Giving Foundation, Inc., has not completed the statutory requirements for eligibility to seek Legislative approval of its specialty license plate concept.

This bill substantially amends ss. 320.08056 and 320.08058 of the Florida Statutes.

II. Present Situation:

The Florida Legislature created the first specialty license plates in 1986, one commemorating the seven astronauts who died when the space shuttle Challenger exploded after lift-off, and one for each of the nine universities then in the State university system. Since then, the Legislature has authorized 78 more specialty license plates.

Specialty License Plate Requirements

Specialty license plates are available to any owner or lessee of a motor vehicle who is willing to pay an annual use fee for the privilege. Annual use fees ranging from \$15 to \$25, paid in addition to required license taxes and service fees, are distributed to an organization or organization in support of a particular cause or charity signified in the plate's design and

designated in statute. The Legislature may create a specialty license plate under its own initiative or it can do so at the request of an organization.

Section 320.08053, F.S., provides an organization seeking authorization to establish a specialty license plate must submit the following:

- A request for the particular license plate with a description of the proposed plate in general terms.
- The results of a scientific sample survey of Florida motor vehicle owners that indicates at least 15,000 motor vehicle owners intend to purchase the proposed specialty license plate at the increased costs.
- An application fee, not to exceed \$60,000, to defray DHSMV's cost for reviewing the application and developing the specialty license plate, if authorized.
- A marketing strategy outlining both the short and long term marketing plans and a financial analysis outlining the anticipated revenue and the planned expenditures of the requested specialty license plate.

The required documentation and fees must be submitted at least 90 days before the convening of the next regular session of the Florida Legislature. If a specialty license plate is approved by law, the organization must submit a proposed art design for the specialty plate to DHSMV no later than 60 days after the act becomes a law. If the specialty license plate is not approved by the Legislature, then the application fee will be refunded to the requesting organization.

Section 320.08056, F.S., provides DHSMV is responsible for developing the specialty license plates and must begin production and distribution within one year after approval of the specialty license plate by the Legislature. Specialty license plates must bear the design required by law for the appropriate specialty plate, and the designs and colors must be approved by DHSMV. In addition, the specialty license plate must bear the imprint of numerals from 1 to 999, inclusive, capital letters "A" through "Z", or a combination thereof. The word "Florida" must appear at either the top or the bottom of the plate, depending upon the design and may bear an appropriate slogan.

The DHSMV is authorized to annually retain the first proceeds derived from the annual use fees collected in an amount sufficient to defray each specialty plates pro rata share of DHSMV's costs directly related to issuing the specialty license plate.

The DHSMV must discontinue the issuance of an approved specialty plate if less than eight thousands plates (including annual renewals) are issued by the end of the fifth year or during any subsequent 5-year period. The DHSMV is authorized to discontinue the issuance and distribution of specialty plates if the organization no longer exists or if the organization has stopped providing services authorized to be funded.

Annual use fees or any interest earned from those fees may not be used for commercial or for-profit activities, or for general administrative expenses (except as specifically authorized or to pay the cost of the audit or report required to ensure the proceeds are used as authorized).

Section 320.08058, F.S., lists the approved specialty license plates and specifies funding requirements.

Section 320.08062, F.S., requires all organizations receiving annual use fee proceeds from DHSMV to be responsible for ensuring proceeds are used in accordance with ss. 320.08056 and 320.08058, F.S. Each organization is either subject to an audit or is required to annually attest, under penalties of perjury, that such proceeds were used correctly.

The Legislature has authorized 88 specialty license plates to date. Sales of specialty license plates generated more than \$24 million in annual use fee revenues in 2002, and more than \$24.5 million in 2003. Since the program's inception in 1986, the DHSMV has collected annual use fees totaling more than \$225 million.

Military-Related License Plates

Section 320.08056(4)(d), F.S., creates the Florida Salutes Veterans license plate and provides for a \$15 annual use fee. The proceeds from the use fee are deposited into the State Homes for Veterans Trust Fund and used solely for the purpose of constructing, operating, and maintaining domiciliary and nursing homes for veterans and for limited promoting and marketing of the plate.

Section 320.08056(4)(cc), F.S., creates the United States Marine Corp license plate and provides for a \$15 annual use fee. The first \$50,000 collected annually from the use fee are deposited into the State Homes for Veterans Trust Fund and used solely for the purpose of constructing, operating, and maintaining domiciliary and nursing homes for veterans. Any additional funds collected annually are deposited into the Marine Corps Scholarship Foundation, Inc., and used to fund scholarships and assist Marine Corps Junior ROTC and Young Marine programs in Florida.

Section 320.08056(4)(mm), F.S., creates the Military Services licenses plates for the United States Army, Navy, Air Force and Coast Guard and provides for a \$15 annual use fee. The proceeds from the use fee are deposited into the State Homes for Veterans Trust Fund and must be used solely to construct, operate, and maintain domiciliary and nursing homes for veterans, subject to planning and budgeting requirements of chapter 216, F.S.

Specialty license plates are distinguished from other types of specialized license plates by the fact that anyone may obtain one by simply paying an additional annual use fee, and by the fact that annual use fees are dedicated to supporting a particular cause or organization. The Legislature has also created a number of specialized license plates that are not specialty plates (s. 320.089, F.S.). These plates differ because the purchaser must be eligible by his or her status to obtain the plate, and because ownership of these plates does not require payment of an annual use fee that is distributed for charitable purposes. These types of "status plates" are referred to in the statutes as special plates.

Currently, Florida has the Florida Salutes Veterans, U.S. Marine Corps and Military Services license plates to acknowledge military personnel, all available to the general public. In addition, there are 9 special license plates available to qualified recipients. They are listed below:

Disabled Veterans, EX-POW, Medal of Honor (Air Force, Army, Navy, and Marines), National Guard, Paralyzed Veterans, Pearl Harbor Survivor, Purple Heart, U.S. Reserve and U.S. Paratroopers.

III. Effect of Proposed Changes:

The bill directs DHSMV to issue a Florida National Guard specialty license plate. In addition to applicable motor vehicle registration taxes and fees, a \$25 annual use fee will be charged for this new specialty license plate. The annual use fees will be distributed to the For Giving Foundation, Inc., to fund the Florida National Guard Foundation and faith-based tax-exempt organizations located in the state. The proceeds will be redistributed in the following manner:

- Initial proceeds will be retained by the For Giving Foundation, Inc., until all startup costs for developing the plate are recovered;
- Up to 5 percent of the funds may be expended for administrative costs directly associated with operations of the For Giving Foundation, Inc.;
- Up to 20 percent of the funds may be expended for promotion and marketing costs directly associated with operations of the For Giving Foundation, Inc.;
- 50 percent of the funds to the Florida National Guard Foundation; and
- 25 percent of the funds to faith-based tax-exempt organizations located in the state.

The Florida National Guard Foundation, Inc., is a tax-exempt public organization under section 501(3)(c) of the Internal Revenue Code. The Foundation is the direct support organization of the Florida National Guard and provides financial support to Guard members and their families.

The For Giving Foundation, Inc., is an Orlando-based, tax-exempt public organization under section 501(3)(c) of the Internal Revenue Code. According to representatives of the Foundation, the Foundation provides support to charitable organizations in Florida.

According to the DHSMV, the For Giving Foundation, Inc., has not completed the statutory requirements for eligibility to seek Legislative approval of its specialty license plate concept.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Persons who apply for the Florida National Guard license plate would have to pay \$25 for the annual use fees in addition to applicable motor vehicle registration taxes and fees.

C. Government Sector Impact:

Current law provides an application fee, not to exceed \$60,000, be paid to DHSMV to defray the administrative costs of reviewing and developing the new specialty license plate. The DHSMV has indicated \$60,000 has not been collected from the applicant to defray these costs and the required documentation has not been submitted.

The DHSMV estimates it will incur \$59,460 in costs associated with the development and issuance of these specialty license plates. More specifically, these costs include \$15,000 in personnel costs, \$7,560 in computer programming costs and \$36,900 in license plate costs. Specialty license plates cost DHSMV \$2.46 each under the current contract. The DHSMV provides a standard order of 15,000 plates is generally used.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

#1 by Transportation:

Provides the Florida National Guard license plate is not subject to the requirements of s. 320.08053, F.S., which requires a \$60,000 fee to defray the DHSMV's expenses, a survey showing 15,000 people would purchase the plate and a marketing plan.

#2 by Transportation:

Authorizes DHSMV to retain all revenues from the sale of the Florida National Guard license plate until all of the department's costs for developing and issuing the plate have been recovered, not to exceed \$60,000.

Bill No. SB 2580

Amendment No. 1



211120

CHAMBER ACTION

Senate

House

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The Committee on Transportation recommended the following amendment:

Senate Amendment

On page 1, line 21, delete that line

and insert: (a) Notwithstanding the provisions of s. 320.08053, the department shall develop a Florida National

Bill No. SB 2580Amendment No. 2

815260

Senate

CHAMBER ACTION

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The Committee on Transportation recommended the following amendment:

Senate Amendment

On page 1, line 25, delete that line

and insert:

(b) The department shall retain all annual use fee revenues from the sale of such plates until all startup costs for developing and issuing the plates are recovered, not to exceed \$60,000. Thereafter the annual use fees shall be distributed to the

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 2446

SPONSOR: Senator Dockery

SUBJECT: Installations honoring military veterans and their families

DATE: April 7, 2004

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Eichin	Meyer	TR	Fav/1 amendment
2.	Krasovsky	Krasovsky	MS	
3.				
4.				
5.				
6.				

I. Summary:

This bill creates the "Ellwood Robinson 'Bob' Pipping, Jr., Memorial Act." The bill authorizes the Department of Transportation (FDOT) to contract with groups or organizations for the installation and maintenance of plaques, markers, monuments, memorials, or various retired military equipment honoring the military and veterans at interstate rest stops in Florida.

This bill provides for a committee, its membership and term limits. This bill requires approval by the committee for contracts, conditions for approval, and states the group or organization making the proposal will be responsible for costs and installation of the monuments. There are no known or expected fiscal impacts on state government general revenue.

This bill creates unnumbered sections of the Florida Statutes.

II. Present Situation:

Ellwood Pipping, of Bartow, was in the Navy in the South Pacific on that March day in 1945, when United States Marines raised the American flag on Mount Suribachi on the island of Iwo Jima. To honor the event, in late 1989 Pipping placed a replica of the famed Marine Monument in Washington, D.C. in an orange grove adjacent to I-4 between Auburndale and Polk City that Pipping owned. The monument and a large American flag that flew near it, both lighted at night, were landmarks to travelers along the interstate for more than a decade until they were removed two years ago in preparation for widening the highway. Pipping died in 1999. The Young Marines of Polk County, an organization of students 11 to 18 years old, provided maintenance for the monument until it was removed. They and their adult sponsors have worked to get the monument relocated.

A group formed to protect Pipping's legacy had asked the FDOT about placing the monument, which would be mounted on a larger base honoring all branches of the service from World War II, in the rest area off of the westbound lanes of I-4 near Auburndale. The concept is not new. A rest area on Interstate 85 near Lexington, N.C., houses a monument to residents of that state who died in the Vietnam War. It is maintained by the North Carolina Vietnam Veterans. At another rest area on I-95 near the Virginia border is a Blue Star monument to those who died in World War II and Korea, said Bill Jones of the North Carolina Department of Transportation. It, too, is maintained by a private group and does not cost the state any money in maintenance.¹

Section 256.13, F.S., requires FDOT to fly the POW-MIA flag year round at each of the rest areas along interstate highways.

Section 267.074, F.S., directs the Division of Historical Resources of the Department of State to coordinate the State Historical Marker Program to inform the general public about persons, events, structures, and other topics relating to the history and culture of the state. FDOT is authorized to permit and assist the division in erecting and maintaining said historic signs or markers within the right-of-way of any state highway, county road, or municipal street, or any other property under its jurisdiction and control. The division is vested with the exclusive authority and power to erect and maintain said historic signs or markers within the right-of-way of any state highway.

Section 479.02 requires the FDOT to implement a rest area information panel or devices program at rest areas along the interstate highway system and the federal-aid primary highway system to promote tourist-oriented businesses. Section 479.28, F.S., allows FDOT to contract with private persons for the construction, erection, and maintenance of the rest area information panels or devices.

III. Effect of Proposed Changes:

Section 1 establishes the popular name of the act, the “Ellwood Robinson ‘Bob’ Pipping, Jr., Memorial Act.”

Section 2 declares the purpose of the act to be the creation of an environment allowing Floridians and visitors to be reminded of the accomplishments and sacrifices made by military veterans.

Section 3 authorizes FDOT to enter contracts with any group or organization for the installation and maintenance of monuments and memorials honoring military veterans at highway rest areas. Proposals would be approved by a committee composed of:

- the Secretary of the FDOT (or designee),
- the Executive Director of the Department of Veterans Affairs (or designee),
- three members of the Florida Commission on Veterans Affairs (appointed by the chair).

¹ Bill Rufty, *Stargel Bill Would Bring Back Iwo Jima Monument to I-4*, The Ledger, March 23, 2004, at <http://www.theledger.com/apps/pbcs.dll/article?AID=/20040323/NEWS/403230354/1134>.

Installations may be monuments, memorials, plaques, markers, or various retired military equipment. The sponsoring group is responsible for all costs of the monument, its installation, and the cost of maintenance for a period of 10 years. Maintenance costs are to be deposited into an account held by FDOT. Alternatively, the sponsoring group may post a bond equal to the cost of removal of the installation should it fail to provide sufficient maintenance funds for two consecutive years.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Voluntary sponsorship of a monument or memorial will require the sponsoring entity to provide maintenance costs of indeterminate amounts.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

#1 by Transportation: The amendment clarifies a requirement of the sponsoring organization to provide maintenance funds annually and allows for the 10-year bond securing the cost of removal to be renewed for another 10-year period.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

Bill No. SB 2446Amendment No. 1

405448

Senate

CHAMBER ACTION

House.
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The Committee on Transportation recommended the following amendment:

Senate Amendment

On page 2, line 22, through page 3, line 2, delete those lines

and insert: (4) The group or organization making the proposal shall be responsible for the cost of maintenance of the monument. The cost of maintenance shall be secured by sufficient funds provided annually by the group or organization making the proposal deposited into a maintenance account held by the Department of Transportation. In addition, the group or organization making the proposal will provide a 10 year bond securing the cost of removal of the monument, and any modifications made to the site as part of the placement of the monument, for use should the group or organization making the proposal fail to provide sufficient funds for maintenance for a period of 2 consecutive years. Prior to expiration, the bond shall be renewed for another 10 year period if the memorial is to remain in place.

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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SBs 1228 and 2080

SPONSOR: Education Committee and Senators Wilson and Diaz de la Portilla

SUBJECT: Resident Status/Tuition

DATE: March 31, 2004

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dormady	O'Farrell	ED	Favorable/CS
2.	Vickers <i>pon</i>	Krasovsky <i>K</i>	MS	
3.			AED	
4.			AP	
5.				
6.				

I. Summary:

CS/SBs 1228 and 2080 would classify the following persons as residents for purposes of assessing tuition in community colleges and state universities:

- Certain active duty members of a foreign nation's military and their spouses and dependent children, at schools within 50 miles of the military establishment where they are stationed;
- Full-time employees of recognized international multilateral organizations based in Florida and their spouses and dependent children; and
- Dependent children of U.S. Armed Services members who are stationed in counties contiguous to Florida, at Florida schools within 50 miles of the military establishment where they are stationed.

The bill would also exempt any student from paying nonresident tuition, provided that she or he had:

- resided in Florida for 3 consecutive years
 - with a parent,
 - while attending a Florida high school,
 - immediately prior to receiving a high school diploma or its equivalent, and
- provided an affidavit stating that they will file an application to become a permanent U.S. resident at the earliest opportunity.

The bill excludes nonresident aliens, as defined in 8 U.S.C. 1001(a)(15), from qualifying for residency for tuition purposes under this new criterion.

This bill amends section 1009.21 of the Florida Statutes.

The bill will be effective upon becoming law.

II. Present Situation:

Section 1009.21, F.S., requires students to be classified as residents or nonresidents for the purposes of assessing tuition in the community colleges and state universities. Classification of a student as a resident for tuition purposes is a threshold eligibility criteria for participation in certain financial assistance programs such as the Florida Bright Futures Scholarship Program, the Florida Student Assistance Grant Program, the Florida Resident Access Grant Program, and other state-funded scholarships.

Residency requirements; service members in Alabama and Georgia and foreign nationals

A student may qualify as a resident for tuition purposes if the student, or his or her parents if the student is a dependent child, has established and maintained legal residence in the state for at least 12 months immediately prior to qualification. Section 1009.21(10)(b), F.S., currently provides that active duty members of the U.S. Armed Services and their spouses who are stationed at a base in a county contiguous to Florida may pay resident tuition at a community college or university, provided that the school is within 50 miles of the military establishment where they are stationed. The section also provides additional methods for qualifying for residency for tuition purposes, but these methods, for the most part, require legal residence of some duration in the state.

Undocumented aliens, with certain exceptions as provided in federal law, may not establish legal residence in the state for tuition purposes because their residency in the state is in violation of federal law, as they have not been properly admitted into the United States. Undocumented aliens are accordingly classified as nonresidents for tuition purposes. Many of these undocumented aliens attend Florida high schools and obtain a high school diploma or the equivalent, as the state may not bar these individuals from attending elementary, middle, or secondary schools. See Plyler v. Doe, 457 U.S. 202, 102 S.Ct. 2382, 72 L.Ed.2d 786 (1982). Due to the increased cost of attending a public postsecondary institution as a nonresident, these aliens are more likely not to obtain needed postsecondary skills or credentials to obtain higher paying jobs.

The undocumented status of these individuals leaves the state unable to reliably estimate their numbers. Moreover, the school districts, pursuant to a consent decree, are precluded from collecting data on undocumented aliens that are attending public schools. See League of United Latin American Citizens v. Florida Board of Education, Case No. 90-1913, (S.D. Fla. 1990).

8 U.S.C. s. 1623 prohibits any alien who is unlawfully present in the United States from receiving any postsecondary education benefit on the basis of residence in a state unless a U.S. citizen or national is eligible for such benefit in the same amount, duration, and scope. Certain other states, such as Texas, California, and Utah, have enacted varying laws authorizing some undocumented aliens to qualify for certain financial aid programs.

Nonimmigrant aliens, as defined in 8 U.S.C. s. 1101(a)(15), are aliens lawfully admitted into the U.S. but whose duration of stay is set forth in the applicable visa under which admittance is granted. Most nonimmigrant visas, but not all, require the holder of the visa to intend to return to the nonimmigrant's country of residence upon termination of the visa. Students under an F visa or an M visa are required to intend to return to their country of residence. If a nonimmigrant stays beyond the limitations of the visa, the nonimmigrant is no longer lawfully within the U.S. and may be subject to deportation.

Resident tuition for Canadian military

Section 1009.21(10)(j), F.S., authorizes active duty members of the Canadian military residing or stationed in the state, and their spouses and dependent children, to pay in-state tuition at state universities and community colleges within 50 miles of where they are stationed.

U.S. military establishments in Florida and contiguous states

There are three U.S. military commands in the state that have liaison officers from foreign nations of their staffs: (1) Joint Interagency Task Force East (Key West), (2) United States Central Command (Tampa), and (3) United States Southern Command (Miami). Currently, 12 foreign liaison officers are assigned to the Joint Interagency Task Force East. These officers serve two to three years and nearly all bring their dependents to the state. There are 345 liaison officers assigned to the United States Central Command. Most of the liaison officers serve a shorter tour ranging from 90 days to one year. Six liaison officers are assigned to the United States Southern Command. The liaison officers serve two to three year tours and are generally accompanied by their families. The liaison officers do not qualify as residents for tuition purposes unless they otherwise meet residence criteria. Under current law, with the exception of Canadian military personnel and their families, foreign nation's military personnel, their spouses and dependent children are classified as out-of-state residents for tuition purposes at Florida's public postsecondary institutions.

A liaison officer may serve in the United States for varying lengths of time. A spokesperson with the Joint Interagency Task Force South indicated there might be some 20 foreign military liaison officers who may qualify under the bill's provisions and whose assignment length of time might allow the pursuit of postsecondary education. Those persons are located at the Key West, Miami or Tampa bases/commands.

A spokesperson from the Joint Interagency Task Force South command in Key West indicated that there are 11 liaison officers at the Key West Command. All eleven are married. He thought there would be less than five dependents that would be of college-age.

Both Georgia and Alabama have military bases in counties contiguous to Florida. Of these, at least one – a base located in south Georgia – has certain members who attend classes at colleges and universities in north Florida.

Approved international multilateral organizations based in Florida

The United States Department of State develops and implements U.S. policy in the United Nations (UN), the UN's specialized agencies, and other international organizations. The Department of State works to advance U.S. policies and interests through multilateral diplomacy, which sometimes entails the implementation of multilateral agreements by specifically designated organizations. Most of these organizations are based overseas, in Geneva or Brussels. Information received from staff at the Department of State indicates that no Department of State-approved international multilateral organizations are based in Florida at this time.

III. Effect of Proposed Changes:*Exemption for high school graduates, including undocumented aliens, from paying nonresident tuition*

The bill exempts a student from paying nonresident tuition if the student has resided in the state with a parent for at least three consecutive years immediately preceding the date the student received a Florida high school degree or the equivalent, has attended a Florida high school for at least three consecutive years during such time, and has provided an affidavit to a community college or a state university that the student will file an application for permanent residency at the earliest opportunity the student is eligible. The bill specifically excludes nonimmigrant aliens, as defined in 8 U.S.C. s. 1101(a)(15), from meeting this new eligibility criterion for in-state tuition.

As noted above, the bill authorizes any student, other than nonimmigrant students, to classify as a resident for tuition purposes if the student meets the bill's criteria. Accordingly, residents of other states could qualify for residency for tuition purposes if they otherwise meet the eligibility criteria.

The affidavit requirement should not create a substantial burden for a student to qualify for residency for tuition purposes. Most undocumented aliens, absent a change in federal law or a grant of amnesty, would not qualify for permanent residency.

Residency for foreign liaison officers and dependents

The bill classifies active duty members of a foreign nation's military serving as liaison officers and residing or stationed in this state, together with their spouses and dependent children, as residents for tuition purposes when attending a public postsecondary institution within 50 miles of the military establishment where they are stationed. The change in the proposed legislation would provide the same residency status for tuition purposes to a foreign nation's liaison officers as is currently extended to Canadian military personnel and their families stationed in Florida.

Residency for employees of international multilateral organizations based in Florida

The bill also provides that full-time employees of international multilateral organizations based in Florida that are recognized by the United State Department of State, together with their

spouses and dependent children, will qualify as residents for tuition purposes. Information provided by staff at the U.S. Department of State suggests that no such organizations are based in Florida at this time.

Addition of dependents of active duty members of U.S. Armed Services

The committee substitute amends s. 1009.21(10)(b), F.S., which currently provides that active duty members of the U.S. Armed Services and their spouses residing in counties contiguous to Florida may pay resident tuition if they attend a Florida public community college or university within 50 miles of the military establishment where they are stationed. The bill permits dependents of these U.S. Armed Services members to receive resident status for tuition purposes under the same circumstances.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

The U.S. Constitution provides the Federal Government with preeminent power over the regulation of aliens within the U.S. See *Takahashi v. Fish & Game Commission*, 334 U.S. 410, 418-420, 68 S.Ct. 1138, 1142-1143, 92 L.Ed. 1478 (1948). Any state action that imposes discriminatory burdens upon the entrance or residence of aliens lawfully admitted into the U.S. conflicts with the Supremacy Clause of the U.S. Constitution. See *id.* The bill specifically excludes certain nonimmigrant aliens from meeting eligibility requirements for establishing residency for tuition purposes. In *Toll v. Moreno*, 458 U.S. 1, 17, 102 S.Ct. 2977, 2986, 73 L.Ed.2d 563 (1982), a Maryland statute was struck down on Supremacy Clause concerns when the law categorically prohibited G-4 nonimmigrant aliens from acquiring in-state status for tuition purposes. G-4 nonimmigrant visa holders are not required to have intent to return to their country of residence. Unlike the Maryland law, the bill does not categorically prohibit a nonimmigrant alien from qualifying for residency; it provides only that a nonimmigrant may not qualify under the new criterion. There still remains a concern that the bill may be challenged for the limitation on the ability of lawfully admitted nonimmigrant aliens from obtaining in-state tuition status.

The bill authorizes any student to qualify for residency for tuition purposes if the student meets specified criteria. Accordingly, 8 U.S.C. s. 1623, which bars any alien who is

unlawfully present in the United States from receiving any postsecondary education benefit on the basis of residence in the state unless a U.S. citizen or national is eligible for such benefit in the same amount, duration, and scope, would not be applicable.

It may be alleged that the bill discriminates against nonresident U.S. citizens in favor of non-U.S. citizens. However, nonresidency has not been determined to be a suspect class for purposes of the Equal Protection clause of the U.S. Constitution, and the state would likely only be required to demonstrate that the bill bears a rational relationship to the goal of providing greater access to postsecondary education within the state. Moreover, education is not a fundamental right for purposes of the Privileges and Immunities Clause of the U.S. Constitution, and a state would therefore be much less restricted in its actions with respect to nonresidents.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

It is anticipated that certain individuals would qualify for subsidized tuition as state residents; however, the precise fiscal impact of these qualifications is indeterminable. This bill would save the affected individuals the difference in cost between in-state and out-of-state tuition at certain Florida public postsecondary institutions. Non-resident undergraduate students pay 100 percent of the cost of their education. Students reclassified as in-state residents would pay approximately 20 percent of the cost of their education and the state would pay the remaining 80 percent to the educational institution. Based on the university tuition established in the 2003-2004 General Appropriations Act, an out-of-state undergraduate student pays tuition of \$328.74 per credit hour. A Florida resident undergraduate student pays tuition of \$63.41 per credit hour. Certain costs may be incurred by aliens attendant to meeting the bill's affidavit requirements.

It is not known how many liaison officers and members of their families would be affected by this provision, although the number should be relatively small.

C. Government Sector Impact:

The fiscal impact of the bill is indeterminate, as the state does not possess any reliable figures indicating the number of students that would qualify for the subsidized tuition as state residents. The Florida Immigrant Advocacy Center estimates that the number of students could be as high as 1,045 for the state universities and 1,780 for the public community colleges.

Given the indeterminate number of eligible students, the fiscal impact and additional regulatory burden on community colleges and state universities in collecting and processing the affidavits and confirming other eligibility requirements is not readily ascertainable.

The bill's inclusion of foreign liaison officers and employees of multilateral organizations creates an indeterminate fiscal impact. There are approximately 363 liaison officers currently serving in the state. Additionally, the number of their dependents is not known at this time. The liaison officers serve anywhere from 90 days to three years.

Because no international multilateral organizations approved by the Department of State appear to be based in Florida at this time, this aspect of the bill would have no fiscal impact, although it could have an undetermined impact at a later date.

There are an indeterminate number of dependents of U.S. Armed Services personnel stationed in south Georgia and south Alabama who could qualify to attend the few colleges and universities in north Florida that would be close enough to meet the 50-mile limit established in the bill for attendance with resident status.

The number of affected individuals currently or potentially taking courses at Florida community colleges and state universities is unknown. The change would result in the state paying for 75 to 80 percent of the cost of courses these individuals might take, instead of that amount being paid by a student classified as an out-of-state resident.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

Bill No. CS for SB's 1228 & 2080Amendment No. 

542352

CHAMBER ACTION

SenateHouse.
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**MILITARY AND VETERANS' AFFAIRS,
BASE PROTECTION, AND SPACEPORTS**
DATE: 4/7/04
TIME: 2:00 PM

Senator Wilson moved the following amendment:

Senate Amendment (with title amendment)

On page 8, line 15, through

page 9, line 12, delete those lines

and insert:

Section 2. Paragraph (a) of subsection (1) of section
1009.40, Florida Statutes, is amended to read:

1009.40 General requirements for student eligibility
for state financial aid.--

(1)(a) The general requirements for eligibility of
students for state financial aid awards consist of the
following:

1. Achievement of the academic requirements of and
acceptance at a state university or community college; a
nursing diploma school approved by the Florida Board of
Nursing; a Florida college, university, or community college
which is accredited by an accrediting agency recognized by the
State Board of Education; any Florida institution the credits
of which are acceptable for transfer to state universities;

Bill No. CS for SB's 1228 & 2080Amendment No.  542352

1 any technical center; or any private technical institution
 2 accredited by an accrediting agency recognized by the State
 3 Board of Education.

4 2. Residency in this state for no less than 1 year
 5 preceding the award of aid for a program established pursuant
 6 to s. 1009.50, s. 1009.51, s. 1009.52, s. 1009.53, s. 1009.54,
 7 s. 1009.56, s. 1009.57, s. 1009.60, s. 1009.62, s. 1009.63, s.
 8 1009.68, s. 1009.72, s. 1009.73, s. 1009.76, s. 1009.77, or s.
 9 1009.89. Residency in this state must be for purposes other
 10 than to obtain an education. Resident status for purposes of
 11 receiving state financial aid awards shall be determined in
 12 the same manner as resident status for tuition purposes
 13 pursuant to s.1009.21(1)-(10) ~~s.-1009-21~~ and rules of the
 14 State Board of

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 16
 17 ===== T I T L E A M E N D M E N T =====

18 And the title is amended as follows:

19 On page 1, lines, 13-17, delete those lines

20
 21 and insert:

22 eligibility criteria; amending s. 1009.40,
 23 F.S., relating to general requirements for
 24 eligibility for state financial aid; specifying
 25 procedures for determining residential status
 26 for purposes of receiving such awards;
 27 providing an



Senate Committee On
**MILITARY AND VETERANS'
AFFAIRS, BASE PROTECTION,
AND SPACEPORTS**

Mike Fasano, Chair
Charlie Clary, Vice Chair

Amendment Packet

Friday, April 16, 2004
9:30 a.m. – 11:30 a.m.

Bill No. SB 2580Amendment No. 

210830

CHAMBER ACTION

SenateHouse.
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Consideration of
this amendment
requires a 2/3 vote
of members present

**MILITARY AND VETERANS' AFFAIRS,
BASE PROTECTION, AND SPACEPORTS**

DATE: 4/15/04TIME: 11 am

Senator Siplin moved the following amendment:

Senate Amendment (with title amendment)

On page 1, lines 11-20, delete those lines

and insert:

Section 1. Paragraphs (ss) and (tt) are added to subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.--

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(ss) Adopt a Best Friend license plate, \$25.

(tt) Florida National Guard license plate, \$25.

Section 2. Subsections (45) and (46) are added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.--

(45) ADOPT A BEST FRIEND LICENSE PLATES.--

(a) Notwithstanding s. 320.0853, the department shall develop an Adopt A Best Friend license plate as provided in this section. The word "Florida" must appear at the top of the

Bill No. SB 2580Amendment No. 

210830

1 plate, and the words "Adopt A Best Friend" must appear at the
2 bottom of the plate.

3 (b) The department shall retain initial annual use fee
4 proceeds sufficient to cover its costs related to the
5 development and issuance of the Adopt A Best Friend license
6 plate, not to exceed \$60,000. Thereafter, the proceeds of the
7 annual use fees shall be distributed to the Florida No More
8 Homeless Pets Association, Inc., to help make Florida a no
9 more homeless pets state. Twenty-five percent of the funds
10 received by the Florida No More Homeless Pets Association,
11 Inc., shall be expended for promotion, marketing, and
12 administration of the license plate.

13 (46) FLORIDA NATIONAL GUARD LICENSE PLATES.--
14
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16 ===== T I T L E A M E N D M E N T =====

17 And the title is amended as follows:

18 On page 1, line 3, following the word "creating"

19
20 insert:

21 an Adopt A Best Friend license plate and
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Bill No. SB 2580Amendment No. 

090660

CHAMBER ACTION

SenateHouse.
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**Consideration of
this amendment
requires a 2/3 vote
of members present**

**MILITARY AND VETERANS' AFFAIRS,
BASE PROTECTION, AND SPACEPORTS**

DATE: 4/15/04TIME: 12 Noon

Senator Siplin moved the following amendment to amendment
(210830):

Senate Amendment

On page 1, line 29, delete "320.0853"

and insert: 320.08053